

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NVIDIA CORPORATION,
Petitioner,

v.

POLARIS INNOVATIONS LIMITED,
Patent Owner.

IPR2017-01346 (Patent 8,161,344)
IPR2017-01781 (Patent 8,161,344)

Record of Oral Hearing
HELD: August 17, 2018

Before MINN CHUNG, DANIEL J. GALLIGAN, JOHN A. HUDALLA,
Administrative Patent Judges.

IPR2017-01346 (Patent 8,161,344)

IPR2017-01781 (Patent 8,161,344)

APPEARANCES:

ON BEHALF OF THE PATENT OWNER:

MATTHEW C. PHILLIPS, ESQ.

KEVIN. B. LAURENCE, ESQ.

DEREK MEEKER, ESQ.

LAURENCE & PHILLIPS

1940 Duke Street, Suite 200

Alexandria, Virginia 22314

ON BEHALF OF THE PETITIONER:

DAVID HOFFMAN, ESQ.

JEREMY MONALDO, ESQ.

BEN DAMSTEDT, ESQ.

OLIVER RICHARDS, ESQ.

DREW GOLDBERG, ESQ.

FISH & RICHARDSON

1425 K Street, 11th Floor

Washington, D.C. 20005

The above-entitled matter came on for hearing on August 17, 2018, commencing at 1:10 p.m., at the U.S. Patent and Trademark Office, Texas Regional Office, 207 S. Houston Street, Suite 159, Dallas, Texas 75202.

IPR2017-01346 (Patent 8,161,344)

IPR2017-01781 (Patent 8,161,344)

1 PROCEEDINGS

2 JUDGE GALLIGAN: Good afternoon. This is an oral
3 argument in IPR2017-01346 and 2017-01781. The patent at issue is
4 8,161,344. Petitioner is NVIDIA Corporation. The Patent Owner is
5 Polaris Innovations Limited.

6 I'm Administrative Patent Judge Galligan. With me by
7 video are Judges Chung and Hudalla.

8 Can I please have appearances of counsel, starting with
9 Petitioner. Thank you.

10 MR. MONALDO: Yes, Your Honor. For Petitioner, this is
11 Jeremy Monaldo representing NVIDIA Corporation. I'm joined today
12 by my colleagues, Andrew Goldberg, David Hoffman, and Oliver
13 Richards, as well as Ben Damstedt from NVIDIA.

14 MR. LAURENCE: Your Honor, Kevin Laurence. I'm joined
15 by my colleagues Derek Meeker and Matt Phillips.

16 JUDGE GALLIGAN: Thank you. Okay. And according to the
17 oral hearing order in these cases, we are doing a combined oral hearing
18 for these two cases. Each party will have one hour of time to
19 address its arguments. Petitioner may proceed first and you may
20 reserve time for rebuttal not to exceed half the time.

21 Would you like to reserve any time?

22 MR. MONALDO: Yes, Your Honor. I would like to reserve
23 at least 15 minutes.

24 JUDGE GALLIGAN: 15 minutes. Okay. So I'll give you a
25 warning at 40 minutes.

IPR2017-01346 (Patent 8,161,344)

IPR2017-01781 (Patent 8,161,344)

1 And after Petitioner presents its case, Patent Owner,
2 you may present your case, and you may argue your motion to
3 exclude as well and the Petitioner may reply. You may save
4 rebuttal time to respond to anything in Patent Owner's
5 opposition to your motion to exclude.

6 And as you're going through the presentations, please
7 identify particular slide numbers, pages of the record, pages of
8 the evidence and such so we can all follow along. And Judges
9 Chung and Hudalla have everything, but they just need you to
10 identify the slides and whatnot so they can follow along and the
11 record will be clear that way.

12 If there are no questions, Petitioner, you may begin.

13 **ARGUMENT ON BEHALF OF THE PETITIONER**

14 **MR. MONALDO:** May it please the Board. Today, we're
15 scheduled to discuss two IPR proceedings involving the '344
16 patent: The 1346 proceeding and the 1781 proceeding. My plan is
17 to start with the brief discussion of the '344 patent using our
18 slides in the 1346 proceeding and then move to the grounds on the
19 1781 proceeding and then transition back to the grounds in the
20 1346 proceeding.

21 So, with that, I'd like to move to slide 6 in our slides
22 in the 1346 proceeding. You can see here on the screen Figure 1-A
23 of the '344 patent. So what's this patent about? It's about
24 error coding. You can see error coders here highlighted in blue.
25 It's also about data arrangement alteration. You can see data

IPR2017-01346 (Patent 8,161,344)

IPR2017-01781 (Patent 8,161,344)

1 arrangement alteration devices highlighted in yellow. But error
2 coding is well-known; it's been around forever. And rearranging
3 data to improve error coding, also well-known by the '344 patent.

4 So what's this -- what's supposed to be novel about the
5 '344 patent? It's the fact that you have two paths with different
6 error coding and this switch to select between the two paths. You
7 can see this on our slide here with the green highlighting,
8 showing first path, and the red highlighting showing the second
9 path. That's it. Two paths in the switch. This is a very simple
10 patent, very simple claims. Just adding a little bit of flexible
11 to known error coding technology.

12 And as our petitions demonstrate, that flexibility was
13 well-known in the prior art between the (indiscernible) that show
14 clearly two paths and a clear selection between them. And we have
15 a combination of Raz and Wickeraad that explains why adding a
16 switch between two paths would have been a trivial and obvious
17 solution.

18 So with that background, I'd like to jump over to our
19 slides in the 1381 proceeding, starting with slide 3. But I'd
20 like to take this moment just to pause and recognize that we do
21 have a substantial record before us, a lot of issues. So if Your
22 Honors have any questions, please feel free to let me know. I
23 just want to make sure those are addressed before running out of
24 time.

25 JUDGE GALLIGAN: I will. Just proceed. Thanks.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.